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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,823	08/22/2001	Corrado Fogher	B-4075PCT 618484-4	8610

7590 05/28/2004

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EXAMINER

COLLINS, CYNTHIA E

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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091743823 8/22/2001 FOGHER, CORRADO

B40175PCT6184844

EXAMINER

C. COLLINS

ART UNIT	PAPER NUMBER
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1638

0504

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Response to Amendment

The amendment filed on March 1, 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

In the response filed January 9, 2004, Applicant elected with traverse Group V, directed to claims 29-34 and 41-49 as presented in the preliminary amendment of August 22, 2001, which were drawn to a plant expression cassette allowing the tissue specific expression of a gene of interest, said cassette comprising the promoter of the gene coding for the protein basic globulin 7S.

Claim 59, previously presented in the response filed January 9, 2004 and currently pending in the amendment filed on March 1, 2004, is directed to a plant expression cassette allowing in-seed tissue specific expression of non-degraded human lactoferrin wherein a gene encoding the human lactoferrin is operatively linked to a regulation element of protein basic globulin 7S or to a regulation element of protein β -conglycinine.

The remaining claims are not readable on the elected invention because claim 59, the independent claim from which all currently pending claims ultimately depend, reads on the nonelected inventions of Groups I-IV, directed to a polynucleotide coding for human lactoferrin in combination with the 7s basic globulin leader and the 7s basic globulin promoter, a polynucleotide coding for human lactoferrin in combination with the β -conglycinine leader and the β -conglycinine promoter, a polynucleotide coding for human lactoferrin in combination with the 7s basic globulin leader and the β -conglycinine promoter, and a polynucleotide coding for

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human lactoferrin in combination with the β -conglycinine leader and the 7s basic globulin promoter.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Remarks

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Collins whose telephone number is (571) 272-0794. The examiner can normally be reached on Monday-Friday 8:45 AM -5:15 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cynthia Collins

Cynthia Collins 5/13/04